



Department of Human Resources
311 West Saratoga Street
Baltimore MD 21201

FIA ACTION TRANSMITTAL

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Effective Date: Upon Receipt

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**TO: DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES
DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT
FAMILY INVESTMENT SUPERVISORS AND ELIGIBILITY STAFF**

FROM: ROSEMARY MALONE, EXECUTIVE DIRECTOR

RE: SAME-SEX MARRIAGE AND MANDATORY HOUSEHOLD STATUS

PROGRAMS AFFECTED: FOOD SUPPLEMENT PROGRAMS

ORIGINATING OFFICE: OFFICE OF PROGRAMS

SUMMARY

This action transmittal provides information about the United States Department of Agriculture Food and Nutrition Service's policy clarification on the treatment of same-sex marriages in Section 3(m)(2) of the Food and Nutrition Act of 2008, as amended. The Supreme Court recently ruled that the equal protection clause of the Fourteenth Amendment requires a state to license a marriage between two people of the same sex and to recognize a marriage between two people of the same sex, when their marriage was lawfully licensed and performed out of state. As a result of this ruling, same-sex spouses must be considered married and part of the same household for FSP eligibility purposes for both in-state and out-of-state marriages.

ACTION REQUIRED:

Case managers should continue to process FSP applications for same-sex spouses as they would for any other married couple.

CARES:

CARES coding on the STAT screen is defined by the relationship of the individual to the head of household.

- When there are two adults in the household, **married to each other** with no child in common, code the other adult as NS (non-parental spouse),
- When there are two adults in the household married to each other and they have a child or children in common, code the other parent as SP (spousal parent).

INQUIRIES

Please direct questions related to this transmittal to Rick McClendon at 410-767-7307 or rick.mcclendon@maryland.gov

cc: DHR Executive Staff
Constituent Services
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